

Tuesday, May 13, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.**

**Consent Agenda – Review and Approval:**

**1-9.** This is the time set for consideration of the Consent Agenda.

**Chairperson Gibson:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 9 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Bid Opening:**

**1.** Letter transmitting plans and specifications (Clerk’s File) for 2013-14 Asphalt Overlay, South Bay Boulevard from Los Osos Valley Road to Santa Ysabel Avenue, Los Osos, CA, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, June 12, 2014. District 2.

**The Board approves as recommended by the County Administrative Officer.**

**2.** Letter transmitting contract documents (Clerk’s File) for approval and advertisement of bids, and authorize Director of General Services Agency to award two (2) Job Order Contracts. Bid opening date set for Thursday, June 12, 2014. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:**

**3.** Request to approve: 1) a Rate Setting Agreement with Cold Canyon Landfill approving an increase to tipping fees; 2) Amendment No. 3 to the Solid Waste Collection Franchise Agreements with San Luis Garbage Company, South County Sanitary Service, Inc. and Mission Country Disposal to exclude the tipping fees in the cumulative cost of living rate comparison calculation and provide the authority to deny any portion of collection fee increases attributable to the Rate Setting Agreement that are greater than 1.5%; 3) find that the Rate Setting Agreement is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Section 21065, CEQA Guidelines Sections 15378(b)(5) and 15378(b)(4); and CEQA Section 21065 and State CEQA Guidelines Section 15261(a) and 4) find that Amendment No. 3 to the Solid Waste Collection Franchise Agreements are exempt from CEQA pursuant to: State CEQA Guidelines Section 15301 and State CEQA Guidelines Section 15061(b)(3). All Districts.

**Mr. Jim Erb – Auditor-Controller, Treasurer, Tax Collector and Public Administrator:** amends this item to correct the number of recommendations listed on the agenda transmittal and staff report to read recommendations 1 through 4. Further, corrects a reference in recommendation no. 3 (listed as

recommendation no. 2 on the agenda transmittal and recommendation no. 4 on the staff report) to read Section 10 not Section 9.

**This item is amended by correcting the number of recommendations listed on the agenda transmittal and staff report to read recommendations 1 through 4; and by correcting a reference in recommendation no. 3 (listed as recommendation no. 2 on the agenda transmittal and recommendation no. 4 on the staff report) to read Section 10 not Section 9. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**Consent Agenda - Board of Supervisors Items:**

4. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3 (d). Districts 1 & 2.

**The Board approves as recommended by the County Administrative Officer.**

5. Request to appoint Michael McMahon as a District 1 representative to the Bicycle Advisory Committee. District 1.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - General Services Agency Items:**

6. Request to approve a new 25 year ground lease to replace an existing lease with the SLO T-Hangar Association for Lease Site T at the San Luis Obispo County Regional Airport. District 3.

**The Board approves as recommended by the County Administrative Officer.**

7. Request to approve of Amendment No. 2 to the Lease and Operating Agreement with Aviation Consultants, Inc. (ACI) to reduce the size of Site G at the San Luis Obispo County Regional Airport. District 3.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

8. Request to approve a three year (May 2014 through May 2017) paramedic base hospital agreement (Clerk's File) with Arroyo Grande Community Hospital. Districts 3 & 4.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

9. Submittal of bid opening report for Bridge Painting Project - Various County-wide Bridges, San Luis Obispo County, to award the subject contract to FD Thomas Inc., the lowest responsible bidder, in the amount of \$657,111. Districts 1, 2, 3 and 5.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

10. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Ms. Julie Rodewald - County Clerk-Recorder:** provides an update on the June 3, 2014 election.

**Mr. Eric Greening:** announces a fundraiser at the Palm Theatre regarding the Chumash Heritage National Marine Sanctuary; comments on the upcoming Local Agency Formation Commission (LAFCO)

meeting; and railroad transportation.

**Mr. Ben DiFatta; Ms. Julie Tacker; and Ms. Linde Owen:** comment on the County’s Public Works Director Paavo Ogren and his new position at the Oceano Community Services District (CSD).

**Mr. Gary Kirkland:** commends Supervisor Arnold for her recent comments regarding the transfer of water from Lake Nacimiento.

**Mr. Richard Margetson:** addresses recent comments made by Chairperson Gibson.

**Ms. Jeanne Blackwell:** discusses concerns regarding the most recent oil-drilling proposal in Huasna Valley; the Phillips 66 Railroad Extension Project; and how these matters impact the County.

**Ms. Jerri Walsh:** speaks to the two candidates running for District 2 Supervisor. **No action taken.**

**Board Business:**

- 11. Introduction of the Fiscal Year 2014-15 Proposed County Budget including special districts. (Clerk's File). All Districts.

**Chairperson Gibson:** opens the floor to public comment.

**Mr. David Weisman – Alliance for Nuclear Responsibility:** speaks.

**RESOLUTION NO. 2014-109, a resolution approving the Proposed Budget for Fiscal Year 2014-15, adopted. Further, the Board schedules public hearings on the FY 2014-15 Proposed County Budget to begin Monday, June 9, 2014 in the Board of Supervisors Chambers at 9:00 a.m.; and orders publication of the required legal notices scheduling the public hearings.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Hearings:**

- 12. Hearing to consider public testimony regarding the renewal of the San Luis Obispo County Tourism Business Improvement District (CBID) and continued levy of assessments for FY 2014-15. All Districts.

**Chairperson Gibson:** opens the floor to public comment without response. Further, opens the floor for oral or written protests from affected businesses without response.

**Clerk:** states 5 protests have been received from participating business lodging owners, totaling 2.074 percent, which does not constitute a majority.

**On motion by Supervisor Adam Hill, seconded by Supervisor Caren Ray, to approve staff recommendations, with Ms. Nina Negranti – Chief Deputy County Counsel, recommending the Board find that a majority protest has not been lodged, per the numbers read into the record by the Clerk, and declare the CBID as renewed, with the motion maker amending his motion to add the recommendation stated by Ms. Negranti and the second concurring.**

**The Board receives public testimony, without response, regarding the renewal of the San Luis Obispo County Tourism Business Improvement District (CBID) and continued levy of assessments; and finds that a majority protest has not been lodged, per the numbers read into the record by the Clerk, and declares the CBID as renewed. Further, the Board receives and files the 2014 Annual Report of the San Luis Obispo County Tourism Business Improvement District.**

**Motion by:** Adam Hill  
**Second by:** Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

13. Hearing to consider an ordinance amending Chapter 8.23 of the County Code regarding the licensure of tobacco retailers in County unincorporated areas. All Districts.

**Chairperson Gibson:** opens the floor to public comment.

**Mr. Gary Kirkland:** speaks.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3259, an ordinance amending Sections 8.23.140, 8.23.200, 8.23.210 and 8.23.220 of the County Code, adopted.**

**Motion by:** Caren Ray  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

14. The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. North County Watch v. County of San Luis Obispo (SMR Subd., CV 098031); 2. Nipomo Parks Conservancy v. County of San Luis Obispo.
- II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 3. SLOCEA-Trades and Crafts; 4. DCCA; 5. SLOGAU; 6. SLOCEA-Public Services, Supervisors, Clerical.

**Chairperson Gibson:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, Assistant County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

**Presentations:**

15. Submittal of a resolution to recognize May as "National Foster Care Month". All Districts.

**Ms. Tracy Shiro:** speaks.

**RESOLUTION NO. 2014-110, a resolution proclaiming May as “National Foster Care Month” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

16. Submittal of a resolution proclaiming May 18-24, 2014 as "National Public Works Week" and recognizing the 100th Anniversary of the County Engineers Association of California. All Districts.

**Mr. Paavo Ogren – Public Works Director; Mr. David Flynn – Public Works Deputy Director; Mr. John Wallace - American Public Works Association (APWA) Board of Directors Monterey Bay Chapter; and Mr. Glen Priddy: speak.**

**RESOLUTION NO. 2014-111, a resolution of the Board of Supervisors proclaiming May 18-24, 2014 as National Public Works Week and recognizing the 100<sup>th</sup> Anniversary for the County Engineers Association of California, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

17. Submittal of a resolution honoring Retired and Senior Volunteer Program volunteers in San Luis Obispo and Northern Santa Barbara Counties. All Districts.

**Ms. Marie Brinkmeyer – Retired and Senior Volunteer Program (RSVP) Director: speaks.**

**RESOLUTION NO. 2014-112, a resolution honoring Retired & Senior Volunteer Program volunteers in San Luis Obispo and Northern Santa Barbara Counties, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

18. Submittal of a resolution proclaiming May 19, 2014 as "Viral Hepatitis Awareness Day" in San Luis Obispo County. All Districts.

**Mr. David Kilburn - AIDS Support Network (ASN) Executive Director: speaks.**

**RESOLUTION NO. 2014-113, a resolution proclaiming May 19, 2014 as “Viral Hepatitis Awareness Day” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			

Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Hearings:**

19. Hearing to consider a resolution adopting a revised Community Participation Plan for the Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Programs. All Districts.

**(Supervisor Hill recues himself from this item and is now absent.)**

**Ms. Suzan Ehdaie – Planning and Building:** amends the Community Participation Plan to title it “Exhibit A.”

**Chairperson Gibson:** opens the floor to public comment.

**Ms. Susan Warren – North County Connection:** speaks.

**RESOLUTION NO. 2014-114, a resolution adopting a revised Community Participation Plan for the County of San Luis Obispo in accordance with the U.S. Department of Housing and Urban Development requirements, adopted.**

**Motion by:** Caren Ray  
**Second by:** Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**(Supervisor Hill is now present.)**

**Board Business:**

20. Presentation by the San Luis Obispo Council of Governments on the U.S. Highway 101 Mobility Study Update. All Districts.

**Ms. Jessica Berry – San Luis Obispo Council of Governments:** provides a powerpoint presentation.

**Chairperson Bruce S. Gibson is now absent and Vice-Chairperson Frank R. Mecham assumes the role as Chair.**

**Chairperson Bruce S. Gibson is now present and resumes his role as chair,** opens the floor to public comment without response and receives and files the update.

**Board Business - Public Works - Board Sitting as Flood Control District**

21. Request to appoint 22 members and 20 alternate members to the Paso Robles Groundwater Basin Advisory Committee. All Districts.

**Chairperson Gibson:** opens the floor to public comment without response.

**Supervisor Arnold:** suggests the Paso Robles Groundwater Basin (PRGWB) Advisory Committee provide the Board with any comments and letters they receive when new recommendations are presented for consideration. Further, requests adding a representative from the Creston Advisory Committee and the Ground Squirrel Hollow Community Services District (CSD) to the PRGWB Advisory Committee, with Board Members responding.

**The Board, acting as both San Luis Obispo County and the San Luis Obispo County Flood Control and Water Conservation District, appoints 22 members and 20 alternate members to the Paso Robles Groundwater Basin Advisory Committee, to serve at the pleasure of the Board of Supervisors.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)		x		

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, May 13, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** May 14, 2014